

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-185V

Filed: October 7, 2016
[Not to be published]

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MARY E FORDE

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Special Master Gowen

Petitioner,

*

v.

*

Dismissal; Tetanus, Diphtheria and
Pertussis (“TDaP”) Vaccine;
Allergic Response

SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

*

Respondent.

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Simina Vourlis, Law Offices of Simina Vourlis, Columbus, OH, for petitioner.

Jennifer Reynaud, United States Department of Justice, Washington, DC for respondent.

DECISION¹

On February 27, 2015, Mary E. Forde (“petitioner”) filed a petition pursuant to the National Vaccine Injury Compensation Program.² Petitioner alleged that as a result of receiving a tetanus, diphtheria and pertussis vaccine, administered March 1, 2012, she suffered “an allergic or immunologic reaction and Stevens Johnson Syndrome.” Petition at Preamble, ¶ 12. The information in the record, however, does not show entitlement to an award under the Program.

On October 5, 2016, a status conference was held with petitioner, petitioner’s counsel, and respondent’s counsel, during which petitioner indicated that she wished to dismiss her petition so that she may seek other civil remedies. On October 6, 2016, petitioner moved for a decision dismissing her petition. Petitioner’s counsel has advised petitioner that a decision by the Special Master will result in a judgment against her, and that such a judgment will end all of

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to delete medical or other information, that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-10 et seq. (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

petitioner's rights in the Vaccine Program. Id. at ¶ 3. Petitioner states that she intends to protect her right to file a civil action. Id. at ¶ 5. Respondent does not oppose petitioner's motion.

Accordingly, this case is dismissed for insufficient proof. The Clerk shall enter judgment accordingly.

IT IS SO ORDERED.

/ Thomas L. Gowen
Thomas L. Gowen
Special Master